

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WESLEY RUIZ,	§	
	§	
Petitioner,	§	
	§	
v.	§	No. 3:12-cv-5112-N
	§	
BOBBY LUMPKIN, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER

The matters before the Court are (1) Respondent's motion to appointment counsel, filed July 14, 2020, *see* Dkt. No. 42, and (2) Petitioner's unopposed motion to appointment counsel, filed September 8, 2020, *see* Dkt. No. 44.

This court denied Petitioner's federal habeas corpus petition on December 14, 2018. *Ruiz v. Davis*, 2018 WL 6591687 (N.D. Tex. Dec. 14, 2018) [Dkt. No. 36]. The Fifth Circuit subsequently denied Petitioner a Certificate of Appealability and granted a motion to withdraw filed by his appellate counsel. *Ruiz v. Davis*, ___ F. App'x ___, 2020 WL 3815296 (5th Cir. July 7, 2020) [Dkt. No. 39]. The Fifth Circuit then withdrew its mandate to permit this court an opportunity to appoint new counsel for Petitioner [Dkt. No. 40].

Both Respondent and Petitioner have filed motions requesting this court appoint new counsel to represent Petitioner. *See* Dkt. Nos. 42 & 44. The Court finds that the Federal Community Defender Office of the Eastern District of Pennsylvania,

a capital habeas unit headed by attorney Shawn Nolan, fully qualifies for appointment of Petitioner in this capital habeas proceeding under the provisions of 18 U.S.C. § 3599(d). In accordance with 18 U.S.C. § 3599, this court will grant the parties' motions requesting appointment of new counsel for Petitioner.

It is hereby ORDERED that:

1. Respondent's motion for appointment of counsel [Dkt. No. 42] is GRANTED.
2. Petitioner's motion for appointment of counsel [Dkt. No. 44] is GRANTED.
3. The Federal Community Defender Office of the Eastern District of Pennsylvania, specifically supervising attorney Shawn Nolan, whose mailing address is 601 Walnut Street, Suite 545 West, Philadelphia, Pennsylvania 19106, and whose office telephone number is (215) 928-0520, is appointed as counsel of record for Petitioner in this cause.
4. The Clerk shall immediately transmit a copy of this Order to both the United States Court of Appeals for the Fifth Circuit and to Petitioner.

SO ORDERED.

DATED: September 8, 2020

A handwritten signature in black ink, appearing to be 'D. Horan', with a long horizontal line extending to the right.

DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE